

## **REMARKS**

Claims 9-11, 13-17, and 22 remain in this Application, with Claims 15, 17, and 22 being withdrawn. As explained in more detail below, the Applicant respectfully submits that all claims are in condition for allowance and respectfully requests such action.

### ***Rejection of Claims 9, 10, 14, and 16 under 35 U.S.C. §102(b)***

Claims 9, 10, 14, and 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Great Britain Patent No. 2,259,855 of Miller. Applicant respectfully traverses this rejection.

In the Office Action, the examiner has taken the position that Miller anticipates the claims. It is respectfully pointed out that the Miller reference discloses the use of a Prusik hitch for other purposes, which include climbing a tree and lowering a load. Obviously, the present applicant has not invented the Prusik hitch. Instead, the Applicant has discovered that through the use of a Prusik hitch, an improved safety harness arrangement can be achieved.

In the Miller reference, the Prusik hitch is used as a tool for climbing or lifting a load. If during the climb, the climber becomes incapacitated, the Miller invention provides a device that allows a person other than the climber to remotely apply pressure on the Prusik knot so as to lower the load while controlling the rate of descent of the load. However, climbing and lowering a load are not the purposes or goals of the present invention. Instead, the present invention is directed to avoiding injury should someone begin to fall from an elevated position. Once the person has fallen, climbing back up or lowering the load is **not** part of the claimed invention. In the claimed safety device, the Prusik hitch is used to arrest the user's fall. The Applicant has discovered that the Prusik hitch becomes progressively tighter as the user falls, thereby providing a progressive braking action. This progressive braking action provides improved safety in that it avoids the sudden snap or jerk at the end of the fall as happens when a conventional safety line reaches its length limit. The Prusik hitch employed in the present invention allows some "give" due to the sliding nature and progressive braking such that the falling user is progressively slowed until he is ultimately stopped, rather than being stopped all once.

Simply stated, the Miller rope and knot are constantly load-bearing, or in other words, the rope and the particular knot constantly support the weight of the user. The cited prior art shows active use of a knot for climbing and lowering a load but does not show passive use of a rope knot for arresting a fall. The present invention, however, relates to and claims a safety line using a knot passively for arresting a fall. Thus, Claim 9, as well as the claims that depend from Claim 9, are distinguishable from Miller. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

***Rejection of Claims 11, 13, and 16 under 35 U.S.C. §103 (a)***

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miller in view of Van Patten. Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miller in view of Ascherin et al. Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miller in view of Wagner. Applicant respectfully traverses these rejections.

For at least the reasons that dependent Claims 11, 13, and 16 incorporate the limitations of Claim 9, these dependent claims are allowable for at least the reasons set forth above for the corresponding independent claim. Thus, Claims 11, 13, and 16 are also allowable. Accordingly, allowance of Claims 11, 13, and 16 is respectfully requested.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all grounds of rejection have been overcome. Applicant therefore respectfully solicits allowance of the application. Should there be any further questions or concerns, the Examiner is urged to telephone the undersigned.

Respectfully submitted,

GARDNER GROFF SANTOS &  
GREENWALD, P.C.

/mek/  
Michelle E. Kandcer  
Reg. No. 54,207

Customer Number: 23506  
GARDNER GROFF SANTOS & GREENWALD, P.C.  
Tel: 770/984-2300  
Fax: 770/984-0098